

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 ADRIAN SCHOOLCRAFT,
5 Plaintiff,

6 Case No:
7 - against - 10 CV 06005

8 THE CITY OF NEW YORK, ET AL.,
9 Defendants.

10 -----X
11 111 Broadway
12 New York, New York

13 May 29, 2014
14 10:19 a.m.

15
16 DEPOSITION OF STEVEN WEISS, pursuant to
17 Notice, taken at the above place, date and
18 time, before DENISE ZIVKU, a Notary Public
19 within and for the State of New York.
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21
22
23
24
25

1 STEVEN WEISS

2 A. No, that I remember, I don't.

3 (Plaintiff's Exhibit 126,
4 document, was marked for identification
5 as of this date by Mr. Smith.)

6 Q. Showing you what's marked as
7 126. It's a two-page document Bates Stamp
8 Numbers 2844 through 45. Is this the
9 article that you were just referring to?

10 A. Yes.

11 Q. Is that your handwriting on the
12 first page?

13 A. Yes, it is. In relation to the
14 September '07 and January '08 this thing on
15 the bottom --

16 Q. Yeah, you anticipated my next
17 question. The handwriting on the right-hand
18 column on the first page, your handwriting?

19 A. Yes.

20 Q. What about the handwriting phone
21 number 646-610-4509; is that your
22 handwriting?

23 A. Yes.

24 Q. What's that a number to?

25 A. It's a headquarters number, but

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2 I don't know what it's to.

3 Q. One Police Plaza?

4 A. Yes.

5 Q. Is this the phone number of the
6 early intervention?

7 A. You have to call. I don't know.

8 Q. You sent this article to the
9 early intervention unit at the time that you
10 were a sergeant at the 81st Precinct; is
11 that right?

12 A. Right.

13 Q. Did you send the early invention
14 unit any other information about this
15 article?

16 A. I don't know. I don't remember
17 what else I sent them. Says there's a 12
18 page to the fax. So obviously I sent
19 something else. What was sent with it, what
20 it was, I don't remember.

21 Q. You're saying that it was 12
22 pages --

23 A. It says at the top.

24 Q. But that's for the fax --

25 A. Right.

1 STEVEN WEISS

2 Q. -- line dated January 12, 2010,
3 right?

4 A. Correct.

5 Q. You were not at the ICO -- you
6 were not at the 81st Precinct on January 12,
7 2010?

8 A. No, I wasn't. So this wouldn't
9 be the fax. I don't know if I sent them
10 anything else.

11 Q. You got to --

12 A. I said I don't know if I sent
13 them anything else.

14 MR. SMITH: I am going to call
15 for the production of the file in the
16 early invention unit file pertaining to
17 Officer Schoolcraft including, but not
18 limited to the copy of the article that
19 the witness has identified as being
20 sent to that unit.

21 MR. SHAFFER: You have the
22 article. You just handed it to him.

23 MR. SMITH: No, I know. I want
24 their copy of the article and ideally
25 all of the information reflecting when

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it was transmitted. This copy does not provide that information, but if the witness faxed, as he said, a copy of this newspaper article to that unit, then there may be information in their files about when it was faxed. There may be also information about what else was sent to the unit and what action, if anything, the unit took with respect to Schoolcraft. So I am making a request for the entire file.

MR. SHAFFER: Put it in writing.

We will take under advisement.

Q. You found this article, Exhibit 126, on the internet?

A. Yes.

Q. Why were searching on the internet for Schoolcraft?

A. It was -- I was -- like I said, I was worried about the guy a little bit. Why specifically I did it, I don't recall. I imagine I was looking for anything he may have posted that was on there. I don't know. I don't really remember what led me

1 STEVEN WEISS

2 to do it.

3 Q. He was not within your line of
4 supervision at that time, was he?

5 A. As the ICO, everybody is in my
6 line of supervision.

7 Q. Did Mauriello ask you to do a
8 search for information about Schoolcraft on
9 the internet?

10 A. No.

11 Q. Did Lauterborn ask you to do a
12 search on Schoolcraft?

13 A. No.

14 Q. Did Caughey ask you to do a
15 search on the internet for Schoolcraft?

16 A. No.

17 Q. So you did this on your own
18 initiative?

19 A. My best recollection, yeah.

20 Q. Do you recall speaking with
21 Caughey about speaking to the early
22 intervention unit?

23 A. I don't recall specific
24 conversation we had about it, no.

25 Q. Do you recall generally talking

1 STEVEN WEISS

2 about Officer Schoolcraft with Caughey?

3 A. We spoke about Officer
4 Schoolcraft, yes.

5 Q. What did you speak with Caughey
6 about Officer Schoolcraft?

7 A. Everything from the memo book to
8 the CD I gave him, to this, he appealed his
9 evaluation.

10 Q. When you say referring to this
11 --

12 A. To the article.

13 Q. I mean the Leader Herald
14 article?

15 A. Correct. He appealed his
16 evaluation, he all of sudden had no gun and
17 we couldn't find out why, what his
18 assignment would be after he came back to
19 the precinct with no gun. It came up in
20 conversation.

21 Q. Did it come up in conversation
22 contacting the early intervention unit?

23 MR. SHAFFER: Objection.

24 A. I don't have a specific
25 recollection of speaking to about it. It

1 STEVEN WEISS

2 That's my recollection. Past that, I'm not
3 a hundred percent sure.

4 Q. What do you recall about your
5 discussion with Lauterborn about the request
6 for a duty captain?

7 A. Just how bizarre and unusual it
8 was and how it pointed towards the fact that
9 there was something perhaps not right with
10 this guy at this point. That we needed to
11 -- I felt we needed to, at least, have
12 somebody talk to him on a level that they
13 could evaluate his psychological wellbeing
14 to make sure that he was okay. That he
15 wasn't, for lack of a better term, crazy.

16 Q. Did you have that discussion
17 with Lauterborn the same day he made his
18 request?

19 A. Yes.

20 Q. The same day that Schoolcraft
21 made the request for the duty captain?

22 A. Yes.

23 Q. Do you recall anything that you
24 discussed with Lauterborn?

25 A. I don't specifically remember

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1
2 the details of the conversation. I do
3 remember the procedure regarding sending an
4 officer to psych services or having a
5 clinician respond -- however, exactly the
6 procedure was written, was discussed and the
7 -- this may have come up also from what I
8 remember. This, being the article, and my
9 concerns about his psychological wellbeing
10 based on what was in the article.

11 Q. You're referring to Exhibit 126?

12 A. Yes.

13 Q. Do you recall anything else that
14 you discussed with Lauterborn?

15 A. It was all related to that.
16 About having him evaluated and the memo book
17 entry from when I issued him the CD. Best
18 of my recollection this happened a couple of
19 days -- next day after that whole CD
20 incident. So that also came up cause the
21 unusualness of that entry in the -- in there
22 and some of the other unusual entries that I
23 observed in his book.

24 Q. Do you discuss with Lauterborn
25 who the duty captain was that day?

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2 A. I don't know.

3 Q. Who was the duty captain that
4 day?

5 A. I don't know.

6 Q. Did you have any discussion with
7 anybody else that day about Schoolcraft's
8 request for the duty captain?

9 A. Other than Lauterborn, my
10 recollection is also, Sergeant Stukes was
11 somebody that I spoke to about it.

12 Q. What did you speak to Stukes
13 about?

14 A. I believe Stukes went to the --
15 seemed to find out why he was asking for the
16 duty captain. So the conversation was
17 regarding that.

18 Q. What do you recall about your
19 discussion with Stukes?

20 A. Not much. I remember having a
21 discussion with him about it. And then him
22 speaking to the captain about it, I believe.
23 Past that, I don't really remember even
24 partially about the unusualness about the
25 request from what I remember.

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2 Q. Do you recall speaking with
3 anybody else that day about Schoolcraft's
4 request for a duty captain?

5 A. Not that I could remember.

6 Q. When did you discuss
7 Schoolcraft's duty captain request with
8 Caughey?

9 A. Probably, from my recollection,
10 it was right after we -- right after it came
11 over then walking into the -- as we walked
12 from our office to the captain's office.
13 They were like across the hall -- not across
14 the hall, but across the lobby of the
15 precinct.

16 Q. So the same day that you had the
17 conversation with Lauterborn, you also had a
18 conversation Caughey about --

19 A. Yeah, this all happened at the
20 same time.

21 Q. What do you recall about your
22 discussion with Caughey?

23 A. Just that I felt that he needed
24 to be evaluated.

25 Q. Was Schoolcraft evaluated?

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2 A. No.

3 Q. Why not?

4 A. The captain's decision.

5 Q. Which captain?

6 A. Captain Lauterborn.

7 Q. So Lauterborn said I'm not going
8 to do this, is that what happened?

9 A. He interviewed Schoolcraft and
10 then after that there was no further action
11 taken as far as having him evaluated at
12 least that day that I know of.

13 Q. Were you present during this
14 interview with Lauterborn?

15 A. No.

16 Q. Where did this interview take
17 place?

18 A. In the CO slash XO's office.

19 Q. Was this the same day that the
20 request by Schoolcraft for the duty captain
21 took place?

22 A. Yes.

23 Q. Was Mauriello in command and
24 working at that time?

25 A. He was the CO of the precinct at

1 STEVEN WEISS

2 the time. He was not working.

3 Q. Do you recall having any other
4 discussions with anybody else that day about
5 this request?

6 A. Not that I can recall, no.

7 Q. So am I correct that you looked
8 at the patrol guide procedure for referring
9 Schoolcraft to psychological services and
10 you discussed that patrol guide procedure
11 with Lauterborn and ultimately, Lauterborn
12 told you no, we are not following this
13 procedure with respect to Schoolcraft.

14 MR. SHAFFER: Objection.

15 A. Yes, that would be fair.

16 Q. Did you ever have any
17 discussions with Mauriello about
18 Schoolcraft's request for a duty captain?

19 A. I don't specifically remember
20 any conversations about it.

21 Q. Did you, yourself, have any
22 conversations with Schoolcraft that day?

23 A. I'm not certain.

24 Q. Did you, at any time after that,
25 have any conversations with Schoolcraft

1 STEVEN WEISS

2 about his duty captain request?

3 A. I'm not sure. I don't know.

4 Q. Was your contact with the early
5 invention before or after Schoolcraft
6 requested the duty captain?

7 A. Good question, I don't know.

8 Q. What's the next thing that you
9 remember with regards to Schoolcraft?

10 MR. SHAFFER: Objection.

11 A. I remember when he came back to
12 the precinct after I had spoken with the
13 early invention people at some point and he
14 now he came back and he had no gun, no
15 shield and I had a short conversation with
16 him in my office about that.

17 Q. What was that conversation?

18 A. Basically what happened, how
19 come you have no gun and shield, which he
20 really wasn't able to provide any kind of
21 answer, other than to say that they showed
22 up at his house and drove him someplace and
23 took his gun and his shield and brought him
24 back home. That's what I remember him
25 telling me.